

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROBERT B. CIARPAGLINI,

Plaintiff,

v.

ORDER  
07-C-430-S

COREY MUELLER and JOE HALL,

Defendants.

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On September 11, 2007 judgment was entered in the above entitled matter dismissing plaintiff's complaint without prejudice for his failure to exhaust his administrative remedies. Plaintiff moves reconsideration alleging that the settlement agreement was discharged in bankruptcy.

This argument lacks legal merit because plaintiff's agreement to have only two active inmate complaints at a time was not a claim that could be discharged in bankruptcy pursuant to 11 U.S.C. §101(5). The obligations to which he agreed in order to receive money from the other party to the agreement cannot be discharged in bankruptcy. Plaintiff is bound by the agreement to honor his obligations for which he received consideration. He may only have two active inmate complaints at one time.

Plaintiff has failed to exhaust administrative remedies that were available to him. Accordingly, plaintiff's motion for reconsideration will be denied.

Ciarpaqlini v. Mueller, et al., 087-C-430-S

ORDER

IT IS ORDERED that plaintiff's motion for reconsideration is DENIED.

Entered this 12<sup>th</sup> day of October, 2007.

BY THE COURT:

/s/

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JOHN C. SHABAZ  
District Judge